HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION NO. 5720 OF 2005

PETITIONER Van Samiti Gram Panchayat Basmuda, Prsident – Bhuneshwar Rathiya, S/o Puniram Rathiya, aged about 38 years, R/o Jamihor, Tahsil – Kharsiya, District Raigarh (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh Through : Secretary Department of Food Consumer Protection Mantralaya, D.K.S. Bhawan Raipur (C.G.)
2. The Collector District Raigarh (C.G.)
3. Sub-Divisional Officer (R) Kharsiya, Dist. Raigarh (C.G.)
4. Van-Mandaladhikari Van Mandal Raigarh Dist. Raigarh (C.G.)

Present : Mr. Raghvendra Pradhan, learned counsel for the petitioner.
Mr. Sunil Otwani, learned Panel Lawyer for the State.

ORAL ORDER
(Passed on 7th December, 2005)

Against the impugned order an appeal lies under Clause 18 of the Notification dated 23/12/2004 to the District Collector. Having heard learned counsel for the parties, I do not find any weighty or substantive reason to permit the petitioner to rush to this Court under Article 226 of the Constitution of India without exhausting alternative remedy by way of an appeal before the District Collector. On that short ground, the writ petition is dismissed, however, reserving liberty to the petitioner to prefer an appeal to the District Collector against the impugned order of the Sub Divisional Officer. All contentions raised in this writ petition are left open to be agitated before the District Collector for his decision. There shall be no order as to costs.

Sd/-
Chief Justice

Brajesh